

Notice of Allowability

Application No.

09/780,576

Applicant(s)

CIVELLI ET AL.

Examiner

Ruixiang Li

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/4/2004.
2. ☒ The allowed claim(s) is/are 46-65, which are renumbered as claims 7-9, 13, 14, 2, 3, 18, 6, 10-12, 15, 16, 1, 4, 5, 17, 19, and 20, respectively.
3. ☒ The drawings filed on 09 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT/COMMENT

Informal Examiner's Amendment

Applicants are advised that the title of the application has been changed by informal Examiner's amendment to more accurately reflect the claimed invention. The title now reads: "Methods of identifying an ADP-glucose receptor ligand, agonist or antagonist".

Objection to Declaration

The declaration is objected to because non-initialed and non-dated alterations have been made to the declaration. See 37 CFR 1.52(c). It is also noted that Inventor Nothacker's signature and date are in wrong places. A substitute oath or declaration must be submitted in response to this office action.

Examiner's Statement of Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The present invention discloses methods of identifying an ADP-glucose ligand, agonist, or antagonist. The claimed invention is enabled and is not anticipated or suggested by the prior art.

The amino acid sequence of the ADP-glucose receptor polypeptide (SEQ ID NO: 2) of the present invention is well known in the art (see. e.g., Li et al., U. S Patent No.

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6,060,272, May 9, 2000; Glucksmann et al., U.S. Patent Application Publication No. 2002/0156246 A1, October 24, 2002). The prior art also teaches the polypeptide of SEQ ID NO: 2 is a P2Y₁₂ receptor and responds to ADP (see, e.g., Zhang et al., U.S. Patent Application Publication No. 2001/0046497 A1, November 29, 2001; U.S. Patent Application Publication No. 2003/0170777 A1, September 11, 2003). However, the prior art does not teach that the polypeptide of SEQ ID NO: 2 is an ADP-glucose receptor. Furthermore, the prior art teaches that an UDP-glucose receptor is activated by UDP-glucose, but not activated by UDP (Chambers et al., J. Biol. Chem. 275: 10767-10771, 2000), suggesting that the binding affinities of ADP-glucose and ADP to a receptor polypeptide are different. Thus, the prior art does not anticipate or suggest the present invention in its entirety.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 46-65 are allowed. They are renumbered as claims 7-9, 13, 14, 2, 3, 18, 6, 10-12, 15, 16, 1, 4, 5, 17, 19, and 20, respectively.


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Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruixiang Li whose telephone number is (571) 272-0875. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (571) 272-0871. The fax number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Ruixiang Li
Examiner
March 19, 2004


GARY KUNZ
SUPERVISORY PATENT EXAMINER
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